

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8143 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

THAKORBHAI NARAYANBHAI PATEL

Versus

AMRATBHAI DAHYABHAI PATEL

Appearance:

MR RN SHAH for Petitioner

MR PJ VYAS for MR BS PATEL for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/04/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. This is wholly a misconceived petition under Article 227 of the Constitution. If we go by the facts of this case, it no more remains in doubt that the matter

pertains to the property i.e. the house.

3. In the facts of this case, the revisional authority has not committed any illegality in holding that in the matter, the Mamlatdar Courts Act is not attracted. In the facts of this case, the application filed by the petitioner before the Mamlatdar under the Mamlatdar Courts Act for removal of the alleged encroachment on the road for the purpose of allowing the flow of water to pass through the open land which is at the back of the house of respondent was not maintainable and rightly the Collector has held so.

4. As a result of the aforesaid discussion, I do not find any merits in this special civil application and the same is dismissed. Rule discharged.

zgs/-